

Case No. 1:05CV2012
Gwin, J.

conducted its own review of the parties' briefs on the issue, this Court agrees with the conclusions of the Magistrate Judge, and adopts the Report and Recommendation as its own. The Court emphasizes that the petitioner's knowing and voluntary guilty plea in his criminal proceeding effectively precludes his other challenges to his conviction. *See United States v. Broce*, 488 U.S. 563, 570 (1989) (knowing and voluntary guilty plea forecloses collateral challenge to conviction). This fact alone provides a sufficient basis to deny Petitioner Kimbro's petition.

The Court adopts Magistrate Judge Hemann's findings of fact and conclusions of law and incorporates them fully herein by reference. The Court **DENIES** Petitioner Kimbro's Petition for Writ of Habeas Corpus and motion for subpoena.

Conclusion

For the reasons discussed above, the Court **DENIES** Petitioner Kimbro's Petition for Writ of Habeas Corpus and motion for subpoena. [Doc. 1, 3].

IT IS SO ORDERED.

Dated: March 22, 2006

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE